

Amendments to the Drawings:

The attached replacement drawing sheet makes changes to Fig. 3a and replaces the original sheet with Fig. 3a.

Attachment: Replacement Sheet

REMARKS

Claims 1-17 are pending in this application. By this Amendment, claims 1-3, 7, 8, 12 and 14 are amended, and Fig 3a is corrected. No new matter is added. Reconsideration in view of the foregoing amendments and the following remarks is respectfully requested.

The Office Action objects to Fig 3a. Fig. 3a is corrected to obviate the objection. Accordingly, withdrawal of the objection is respectfully requested.

The Office Action objects to claims 1-11. Claims 1, 2, 7 and 8 are amended to obviate the objection. Therefore, there should be no informalities in claims 1-11. As such, withdrawal of the objection is respectfully requested.

The Office Action rejects claim 3 under 35 U.S.C. §112, first paragraph. To obviate the rejection, claim 3 is amended to recite that a ratio of light is approximately 1:8:64. This feature is supported in the specification at, for example, page 5, line 34 - page 6, line 2, page 6, lines 7-9, and page 6, lines 17-19. That is, the exposure amounts S, M and L may be set at, for example, shutter time 1/2000, 1/250 and 1/30, respectively, of a second, which is approximately 1:8:64. As such withdrawal of the rejection is respectfully requested.

Applicants understand that claim 3 is indicated to be allowable since no rejection is provided in the Office Action.

The Office Action rejects claims 1-2 and 4-17 under 35 U.S.C. §102(b) over U.S. Patent No. 5,309,243 to Tsai. This rejection is respectfully traversed.

Tsai discloses exposure level optimization routines and teaches in the Abstract that multiple images are captured at different exposure levels and stored in a framestore. The multiple images include at least one normal exposure level N, one level above the normal exposure level N+1, and one level below the exposure level N-1. In operation, to optimize the exposure level, an electronic data processing unit replaces the pixel from the normal exposure level N with a corresponding pixel from a digitized image generated at the exposure

level above the normal exposure level N+1 if the pixel from the normal exposure level N is underexposed, and replaces the pixel from the normal exposure level N with a corresponding pixel from the digitized image generated at the exposure level below the normal exposure level N-1 if the pixel from the normal exposure level N is overexposed (see col. 1, lines 47-57, for example).

That is, in Tsai, the normal exposure level N, the level above the normal exposure level N+1, and the level below the exposure level N-1 are used as an optimum exposure level.

Moreover, as described at col. 5, lines 9-46 of Tsai, N is preferably greater than 25 and less than 230 ($25 < N < 230$), N+1 is less than 50 ($N+1 < 50$), and N-1 is greater than 230 ($N-1 > 230$). Therefore, unlike the recited inventions which calculate the optimum exposure amount, in Tsai the normal exposure level N, one level above the normal exposure level N+1, and one level below the exposure level N-1 are predetermined.

In addition, claim 1 recites, *inter alia*, that a first output of a photoreceptor device is determined when a fixed first exposure amount is set by the setting device without calculating the exposure amount and the subject is photographed, and that a second output of the photoreceptor device is determined when a fixed second exposure amount is set by the setting device without calculating the exposure amount and the subject is photographed. As described in the specification at, for example, page 5, line 34-page 6, line 2 and page 6, lines 7-9.

On the other hand, as described above, Tsai teaches that a preferred normal exposure range (N) ranges between 25 and 230, and that the level above the normal exposure range N+1 is less than 50. Therefore, in Tsai, both N and N+1 are not fixed.

Furthermore, the Office Action does not identify what in Tsai allegedly corresponds to the first or second output. Moreover, Tsai teaches at col. 4, lines 46-54 that the camera control processor 170 (allegedly corresponding to the recited setting device) controls the

electronic image sensor 120 (allegedly corresponding to the recited photoreceptor device) by varying the operation of an aperture 115 and a shutter 125. Tsai does not teach or suggest that the output of the electronic image sensor 120 is determined when the normal exposure level N or the level above the normal exposure level N+1 is set by the camera control processor 170 without calculating the exposure amount and the subject is photographed.

As such, for at least the reasons described above, Applicants respectfully submit that claim 1 is patentably distinct from the applied art.

Claims 2 and 4-6 are allowable at least for their dependence on allowable claim 1, as well as for the additional features they recite.

For example, claim 2 recites that a third output of the photoreceptor device is determined when a fixed third exposure amount is set by the setting device without calculating the exposure amount and the subject is photographed. The Office Action alleges that the level below the normal exposure level (N-1) corresponds to the third exposure amount.

As described above, Tsai teaches that the level below the normal exposure level N-1 is greater than 230. As such, N-1 is not fixed. Accordingly, similar to the discussion of claim 1, Tsai does not teach or suggest the recited features.

Claims 7 and 14 recite features similar to those of claim 1 and therefore are patentably distinct from the applied art. Claims 8-11 and 13-16 recites features similar to claims 4-6 and are allowable at least for their dependence on claim 7, as well as for the additional features they recite.

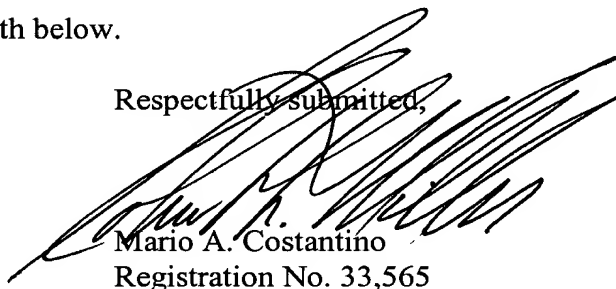
Claim 12 recites features similar to claim 1. Therefore, Applicants respectfully submit that claim 12 is patentably distinct from the applied art. Claims 13-16 are allowable at least for their dependence on allowable claim 12, as well as for the features they recite. For example, claim 14 recites the fixed third exposure amount similar to that of claim 2.

At least for these reasons, Applicants respectfully request withdrawal of the rejection.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1-17 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Mario A. Costantino", is written over the typed name and registration number.

Mario A. Costantino
Registration No. 33,565

Robert A. Miller
Registration No. 32,771

MAC:RAM/mdw

Date: March 9, 2005

OLIFF & BERRIDGE, PLC
P.O. Box 19928
Alexandria, Virginia 22320
Telephone: (703) 836-6400

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